

# SENATE BILL No. 331

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-7-5.2.

**Synopsis:** Regulation of amateur radio antennas. Prohibits a municipality or county from enacting an ordinance, a resolution, or an order that does not comply with a ruling of the Federal Communications Commission concerning amateur radio preemption or a regulation related to amateur radio service. Prohibits a municipality or county from restricting amateur radio antennas to less than 75 feet above ground level. Provides that a municipality or county is not prohibited from taking action to protect or preserve a historic or an architectural district.

**Effective:** July 1, 2001.

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**Antich, Riegsecker**

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January 16, 2001, read first time and referred to Committee on Governmental and Regulatory Affairs.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## SENATE BILL No. 331

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 36-7-5.2 IS ADDED TO THE INDIANA CODE  
2       AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2001]:

4       **Chapter 5.2. Regulation of Amateur Radio Antennas**

5       **Sec. 1. A municipality or county may not enact or enforce an**  
6       **ordinance, a resolution, or an order that does not comply with the**  
7       **ruling of the Federal Communications Commission in "Amateur**  
8       **Radio Preemption, 101 FCC 2d 952 (1985)" or a regulation related**  
9       **to the amateur radio service adopted under 47 CFR Part 97.**

10       **Sec. 2. If a municipality or county adopts an ordinance, a**  
11       **resolution, or an order involving the placement, screening, or**  
12       **height of an amateur radio antenna based on health, safety, or**  
13       **aesthetic conditions, the ordinance, resolution, or order must:**

- 14               (1) reasonably accommodate amateur radio communications;  
15               and  
16               (2) represent the minimal regulation practicable to  
17               accomplish the municipality's or county's legitimate purpose.



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1       **Sec. 3. A local ordinance, resolution, or order may not restrict**  
2       **the height of an amateur radio antenna to less than seventy-five**  
3       **(75) feet above ground level.**

4       **Sec. 4. This section does not prohibit a municipality or county**  
5       **from taking action to protect or preserve a historic, a historical, or**  
6       **an architectural district that is established by the municipality or**  
7       **county or under state or federal law.**

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